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DE RUEHML #4221/01 2770921  
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FM AMEMBASSY MANILA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3284  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RHEHNSC/NSC WASHDC IMMEDIATE  
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C O N F I D E N T I A L SECTION 01 OF 03 MANILA 004221

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STATE FOR INR/EAP AND EAP/MTS  
USPACOM ALSO FOR FPA HUSO  
SECDEF/OSD/ISA/AP (LAWLESS/TOOLAN/BAILEY)  
JOINT STAFF/J5 (WILKES/ROBINSON/CLEMMONS)

E.O. 12958: DECL: 10/04/2016

TAGS: PINS KISL RP

SUBJECT: GRP-MILF PEACE TALKS CONFRONT DIFFICULT ISSUES

REF: A. KUALA LUMPUR 1812

- 1B. MANILA 3344
- 1C. MANILA 3321
- 1D. MANILA 2994
- 1E. MANILA 2833
- 1F. MANILA 2013

Classified By: Ambassador Kristie A. Kenney  
for reasons 1.4 (b) and (c).

11. (C) Summary. Peace talks between the Government of the Philippines (GRP) and Moro Islamic Liberation Front (MILF) remain at an impasse over the issue of ancestral domain, the historically Muslim territory claimed by the MILF. The GRP Peace Panel lacks a mandate to expand the existing boundaries of the Autonomous Region in Muslim Mindanao without a constitutional amendment and plebiscite, contingencies that the MILF does not accept. Meanwhile, the International Monitoring Team, civil society, and international donor community continue to play a critical role in sustaining the momentum of the GRP-MILF peace process on the ground. Despite intense debates between pragmatists and traditionalists within the MILF Central Committee over ancestral domain, and growing opposition by various parties to the creation of the proposed Bangsamoro Juridical Entity, the GRP and MILF remain determined to reach a settlement to end their decades-old conflict. End Summary.

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Impasse Continues  
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12. (C) The GRP and MILF Peace Panels failed to break the impasse over ancestral domain during their 13th Round of Exploratory Talks in Kuala Lumpur, Malaysia on September 6-7. GRP Peace Negotiations Panel Secretariat Director Ryan Sullivan told poloff that GRP negotiators did not have a mandate to delineate the territorial boundaries of a Bangsamoro Juridical Entity (BJE) without provisions for a constitutional amendment and plebiscite, neither of which was acceptable to the MILF. Sullivan said that a new ancestral domain proposal would be drafted by the GRP Peace Panel before the next round of exploratory talks in Kuala Lumpur.

13. (C) GRP Peace Panel Negotiator Lieutenant General (ret.) Rudolfo Garcia separately admitted to DCM that the peace process had hit a "low." Both sides, he said, would have to think "innovatively and creatively" about how to get out of the impasse. Garcia pointed out that the GRP and MILF had

encountered similar obstacles in the past, and had always found a way to move forward. He stated that Malaysia was pushing to "fast track" the negotiations, but cautioned that the question of ancestral domain was the hardest and most difficult question to resolve. The MILF leadership was pragmatic and understood how much they had to gain from peace. While obliged to take into account (and to some extent publicly play to) the concerns of younger and more impatient elements of their constituency, Garcia believed that Chairman Murad and other members of MILF Central Committee would not let the situation get out of hand.

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Concern Over the IMT  
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¶4. (C) Sullivan expressed concern over how long the Malaysian Government would continue to support the International Monitoring Team (IMT) without a breakthrough on the contentious issue of ancestral domain. The IMT, civil society, and the international donor community continue to play a critical role in sustaining the momentum of the GRP-MILF peace process while the impasse continues, according to Sullivan. (Note: Malaysian Major General Dato Ismael bin Ahmad formally took over as Head of Mission of the 60-member IMT during a September 10 ceremony at the IMT headquarters in Cotabato City. Japan plans to second a development expert to the IMT by the end of 2006. End Note.)

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Constitutional vs. Extra-Constitutional  
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¶5. (C) MILF Peace Panel Technical Committee Chairman Musib Buat told poloff that making the creation of a BJE and its

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territorial boundaries contingent upon a constitutional amendment and plebiscite was completely unacceptable to the MILF. Buat explained to poloff that the MILF identified the 3,000 barangays (townships) that were to be included in a BJE from census and tax records; land titles; data from the Commission for Elections, Office of Muslim Affairs, local government units, and barangay captains; and on the ground consultations. Based on this data, the GRP's offer of 613 barangays fell far short of the number claimed by the MILF as ancestral domain, according to Buat.

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Who Will Get What Share?  
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¶6. (C) Buat said that under the MILF's economic formula, the BJE would receive 80 per cent of all profits, taxes, royalties, and fees from "strategic minerals," including oil and natural gas deposits, within its territorial boundaries. All new contracts would be negotiated directly with the BJE, while all existing contracts between the GRP and third parties, such as corporations, would be honored until the expiration date of the contract or modified by the BJE depending on the nature of the contract.

¶7. (C) Bangsamoro Law and Policy Director Zainuddin Malang told poloff that heated debates over land and natural resources were becoming more frequent among members of the MILF Central Committee. During the month of Ramadan, "intense discussions" will be held among MILF leaders over the current impasse on ancestral domain, according to Malang.

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Indigenous People Opposition  
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¶8. (C) National Commission on Indigenous Peoples Chairperson Jnnette Cansing Serrano told poloff that leaders and

representatives from 18 tribes of non-Islamized Indigenous Peoples (IPs) gathered in Bukidnon Province on July 24-26 for the first-ever "Mindanao Indigenous Peoples' Summit" to proclaim their strong opposition to inclusion of their lands in a BJE (see ref B). Historical enmity between non-Islamized IPs and Muslims in Mindanao runs so deep, according to Serrano, that many tribal communities were prepared to take up arms to protect their ancestral domain areas.

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Powerful Ampatuan Clan Opposed, As Well  
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¶ 9. (C) No lines of communication have been established between the MILF and ARMM Administration of Zaldy Ampatuan regarding the GRP-MILF peace process. Maguindanao Congressman and House Justice Committee Chairman Simeon Datumanong, who is the nephew of Maguindanao Governor Andal Ampatuan, told poloff that a constitutional amendment and plebiscite were required before any territory from the ARMM could be included in a BJE. Datumanong said he would strongly oppose the passage of such an amendment, and predicted that in a plebiscite the majority of voters would vote against being included in a BJE.

¶ 10. (C) ARMM Executive Secretary Oscar Sampulna separately told poloff that any GRP-MILF agreement that included ARMM territory in a BJE was unconstitutional. Other ARMM officials are prepared to challenge such an amendment to the Supreme Court. According to ARMM Attorney General Frances Cynthia Guiani-Sayadi, the ongoing "rido" or feud between the Ampatuan clan and MILF Commanders Umbril Kato, Wahid Tundok, and Said Pakiladatu over the death of Maguindanao Governor Andal Ampatuan's son, Saudi Ampatuan, and the June 23, 2006 bombing that left two Ampatuan nephews dead was a "deeply emotional issue." The Ampatuan clan was insisting that the "killers" must be brought to justice, according to Sayadi.

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MNLF Still Considers ARMM as Its Own  
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¶ 11. (C) Cotabato City Mayor and MNLF Secretary-General Muslimin Sema told poloff that the creation of a BJE cannot

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legally supplant the existing ARMM which was established through the 1996 Final GRP-MNLF Peace Agreement. Sema said that jailed MNLF Chairman Nur Misuari and factions within the MNLF's Executive Committee still consider the ARMM as their own, and remain embittered over the loss of the ARMM Regional Governorship to Zaldy Ampatuan, an ethnic Maguindanaon who was not a MNLF member. The inclusion of ARMM territory in a BJE required passage of a constitutional amendment to the Organic Act for the ARMM (Republic Act 9054) in addition to a plebiscite, according to Sema. Sema noted that the MNLF and MILF have yet to reach an agreement that would harmonize the GRP-MILF peace talks with the 1996 FPA. MNLF leaders continue to demand that the provisions of the 1996 FPA be fully implemented by the GRP.

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Reestablishing the Sulu Sultanate?  
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¶ 12. (C) Sulu Congressmen Hussin Amin and Munir Arbison told poloff that the ethnic Tausug dominated MNLF and its supporters in the Sulu Archipelago would never accept control over their land and natural resources by an ethnic Maguindanaon dominated MILF/BJE. In March 2006, Congressman Amin filed a bill to create an Autonomous Region of the Sultanate of Sulu Archipelago. According to Sulu Sultan Ismael Kiram, there is widespread support within the MNLF's ranks for the restoration of the traditional sultanate, but the bill currently lacks support within Congress.

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Powerful Business Families Eye Natural Resources  
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¶13. (C) ARMM Department of Trade and Industry Secretary Ishak Mastura, who is the son of MILF Peace Panel Legal Adviser Michael Mastura, claimed to poloff on September 12 that powerful Filipino business families are determined to control rich agricultural lands and natural resources within Mindanao, including oil and natural gas deposits in the Cotabato Basin and Sulu Archipelago. Members of these "oligarchic interests" will use their power and influence to prevent the sharing of their profits with a BJE, according to Mastura.

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Comment:  
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¶14. (C) The GRP-MILF peace process faces major challenges from ethnic and clan divisions and vested political/economic interests. The GRP's need for a constitutional amendment and plebiscite has created a logjam that will be difficult to break without major compromises on both sides, or a move to a federal system through charter change. As the impasse continues, the IMT, civil society, and international donors will play an ever more critical role in sustaining the GRP-MILF peace process on the ground.

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